

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ASHA SMITH and EMMA NEDLEY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

UNIVERSITY OF PENNSYLVANIA,

Defendant.

Case No. 2:20-cv-02086-TJS

**DECLARATION OF EDWARD W. CIOLKO IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION AND APPOINTMENT OF CLASS COUNSEL**

I, Edward W. Ciolko, declare under penalty of perjury pursuant to the laws of the United States of America that the forgoing is true and correct to the best of my knowledge:

1. I am an attorney of record for the Plaintiffs and the putative class.
2. My firm, along with Anastopoulos Law Firm, LLC and Carpey Law, P.C. (“Proposed Class Counsel”), represent the Named Plaintiff, and all have extensive class action experience and seek to be appointed as Class Counsel pursuant to Rule 23(g).
3. I have experience in class action litigation involving breach of contract and unjust enrichment claims.
4. Attached as Exhibit A is a true and correct copy of University of Pennsylvania Course Catalog: 2019-20 Undergraduate Catalog located at <http://web.archive.org/web/20200214010141/https://catalog.upenn.edu/undergraduate/> (last accessed on February 4, 2022).
5. Attached as Exhibit B is a true and correct copy of Undergraduate Tuition and Fees.
PENN_00001191- PENN_00001195.

6. Attached as Exhibit C is a true and correct copy of the deposition transcript of Asha Smith.

7. Attached as Exhibit D is a true and correct copy of the deposition transcript of Emma Nedley which contained portions marked as Highly Confidential and is filed under seal.

8. Attached as Exhibit E is a true and correct copy of an email titled “Response re: MFA Letter to President Gutmann and Dean Steiner” regarding a response to request for covid reimbursement from the School of Design Students. PENN_00000001- PENN_00000020 which is marked Confidential and is filed under seal.

9. Attached as Exhibit F is a true and correct copy of a March 30, 2020 letter from Fritz Steiner to MFA Students. PENN_00000029- PENN_00000032.

10. Attached as Exhibit G is a true and correct copy of an email “School of Social Policy and Practice (SP2) Building Hours”. PENN_00000469, which is marked Confidential and filed under seal.

11. Attached as Exhibit H is a true and correct copy of a May 11, 2020 letter from Fritz Steiner to students. PENN_00000034-PENN_00000036.

12. Attached as Exhibit I is a true and correct copy of various Summer Simulation Fees for nursing students. PENN_00000192-PENN_00000201 which is marked Confidential and is filed under seal.

13. Attached as Exhibit J is a true and correct copy of *Alexander v. Florida Int'l Univ. Bd. of Trustees*, Case No. 2021-009869-CA-01 (Miami-Dade County 11th Jud. Cir. Ct., December 30, 2021).

14. Attached as Exhibit K is a true and correct copy of *Weiman v. Miami Univ.*, Case No. 2020-00614JD (Ohio Ct. Claims, December 13, 2021).

15. Attached as Exhibit L is a true and correct copy of the firm resume of Anastopoulos Law Firm, LLC.

16. Attached as Exhibit M is a true and correct copy of the firm resume of Lynch Carpenter, LLP.

Dated: February 4, 2022

Respectfully submitted,

/s/ Edward W. Ciolko

Gary F. Lynch
Edward W. Ciolko
Nicholas A. Colella
LYNCH CARPENTER, LLP
1133 Penn Avenue, 5th Floor
Pittsburgh, PA 15222
Tel: (412) 322-9243
Fax: (412) 231-0246
gary@lcllp.com
eciolko@lcllp.com
nickc@lcllp.com

Eric M. Poulin
Roy T. Willey, IV
Blake G. Abbott
ANASTOPOULO LAW FIRM
32 Ann Street
Charleston, SC 29403
843-614-8888
eric@akimlawfirm.com
roy@akimlawfirm.com
blake@akimlawfirm.com

Stuart A. Carpey
CARPEY LAW, P.C.
600 W. Germantown Pike
Suite 400
Plymouth Meeting, PA 19462
610-834-6030
Email: scarpey@carpeylaw.com

Attorney for Plaintiffs and the Putative Class